

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

LATARA TRIBBLE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 3:06CV478
)	
MICHAEL J. ASTRUE ¹ ,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

ORDER FOR REMAND

The defendant, Jo Anne B. Barnhart, Commissioner of Social Security, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to remand the cause for further administrative proceedings. Plaintiff consents to this motion.

On remand to the Commissioner, the Administrative Law Judge will be instructed to undertake the following: 1) evaluate the credibility of Plaintiff's subjective complaints in accordance with SSR 96-7p; 2) consider the opinion evidence; in particular, the evidence from Dr. D'Alessandro, and explain the weight afforded to such opinions with an appropriate rationale; 3) reassess Plaintiff's residual functional capacity, including a function-by-function assessment of Plaintiff's individual capacities, with an appropriate rationale and obtain medical expert testimony if warranted; and 4) proceed through the sequential evaluation process obtaining vocational expert testimony as to specific jobs available, addressing any inconsistencies with the Dictionary of Occupational Titles.

¹ Michael J. Astrue became the Commissioner of Social Security on February 12, 2007. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue should, therefore, be substituted for Commissioner Jo Anne B. Barnhart as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Pursuant to the power of this Court to enter a remand to the Commissioner of Social Security under sentence four of 42 U.S.C. §405(g), and in light of the parties' request to remand this action for further proceedings, this Court hereby

REMANDS the matter for further proceedings under sentence four of 42 U.S.C. § 405(g). See Melkonyan v. Sullivan, 501 U.S. 89 (1991).

SO ORDERED.

Signed: May 30, 2007

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

